

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1379 be amended to read as follows:

- 1 Page 3, between lines 34 and 35, begin a new paragraph and insert:
2 "SECTION 4. IC 22-4-2-12 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. **(a) Except as**
4 **provided in subsection (b), "base period" means the first four (4) of**
5 **the last five (5) completed calendar quarters immediately preceding the**
6 **first day of an individual's benefit period. ~~Provided, however, That~~**
7 **(b) If an individual does not establish a benefit period because**
8 **the wage requirements of IC 22-4-14-5 are not met when**
9 **determining the base period under subsection (a), the base period**
10 **means the most recent four (4) completed calendar quarters**
11 **immediately preceding the first day of an individual's benefit**
12 **period.**
13 **(c) For a claim computed in accordance with ~~IC 1971, 22-4-22,~~**
14 **IC 22-4-22-1, the base period shall be the base period as outlined in**
15 **the paying state's law.**
16 SECTION 5. IC 22-4-2-12.5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12.5. Notwithstanding
18 section 12 of this chapter, for an individual who during the "base
19 period" as defined in that section has received worker's compensation
20 benefits under IC 22-3-3 for a period of fifty-two (52) weeks or less,
21 and as a result has not earned sufficient wage credits to meet the
22 requirements of IC 22-4-14-5, "base period" means the **first most**
23 **recent four (4) of the last five (5) completed calendar quarters**
24 **immediately preceding the last day that the individual was able to**
25 **work, as a result of the individual's injury."**
26 Page 5, between lines 4 and 5, begin a new paragraph and insert:
27 **"(d) In addition to the test for a state "on" indicator under**
28 **subsection (c), there is a state "on" indicator for this state for a**
29 **week if:**
30 **(1) the average rate of total unemployment in Indiana,**
31 **seasonally adjusted, as determined by the United States**

Secretary of Labor, for the period consisting of the most recent three (3) months for which data for all states are published before the close of the week, equals or exceeds six and five-tenths percent (6.5%); and

(2) the average rate of total unemployment in Indiana, seasonally adjusted, as determined by the United States Secretary of Labor, for the three (3) month period referred to in subdivision (1) equals or exceeds one hundred ten percent (110%) of the average for either or both of the corresponding three (3) month periods ending in the two (2) preceding calendar years.

There is a state "off" indicator for a week if either of the requirements in subdivisions (1) and (2) are not satisfied. However, any week for which there would otherwise be a state "on" indicator under this section continues to be subject to the "on" indicator and shall not be considered a week for which there is a state "off" indicator. This subsection expires on the later of December 6, 2009, or the week ending three (3) weeks before the last week for which federal sharing is authorized by Section 2005(a) of Division B, Title II (the federal Assistance to Unemployed Workers and Struggling Families Act) of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5)."

Page 5, line 5, strike "(d)" and insert "(e)".

Page 5, line 19, strike "(e)" and insert "(f)".

Page 5, line 21, strike "subsections (e) and (f)," and insert "subsection (c),".

Page 5, line 30, strike "(f)" and insert "(g)".

Page 5, line 42, strike "(g)" and insert "(h)".

Page 6, line 22, strike "(h)" and insert "(i)".

Page 6, line 27, strike "(i)" and insert "(j)".

Page 7, line 19, strike "(j)" and insert "(k)".

Page 7, between lines 21 and 22, begin a new paragraph and insert: "SECTION 9. IC 22-4-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. An individual is "partially unemployed" when, because of lack of available work, ~~he the individual~~ is working less than ~~his the individual's~~ normal customary full-time ~~or part-time~~ hours for ~~his the individual's~~ regular employer and ~~his the individual's~~ remuneration is less than ~~his the individual's~~ weekly benefit amount in any calendar week, but no individual shall be deemed totally, part-totally, or partially unemployed in any week in which ~~he the individual~~ is regularly and customarily employed full-time ~~or part-time~~ on a straight commission basis."

Page 41, line 32, delete "The" and insert "Except as provided in subsection (d), the".

Page 42, between lines 15 and 16, begin a new paragraph and insert:

"(d) For purposes of this subsection, "high unemployment period" means a period during which an extended benefit period

would be in effect if IC 22-4-2-34(d)(1) were applied by substituting "eight percent (8%)" for "six and five-tenths percent (6.5%)". Effective with respect to weeks beginning in a high unemployment period, the total extended benefit amount payable to an eligible individual with respect to the applicable benefit year is equal to the least of the following amounts:

(1) Eighty percent (80%) of the total amount of regular benefits that were payable to the eligible individual under this article in the applicable benefit year.

(2) Twenty (20) times the weekly benefit amount that was payable to the eligible individual under this article for a week of total unemployment in the applicable benefit year.

(3) Forty-six (46) times the weekly benefit amount that was payable to the eligible individual under this article for a week of total unemployment in the applicable benefit year, reduced by the regular unemployment compensation benefits paid (or deemed paid) during the benefit year.

This subsection expires on the later of December 6, 2009, or the week ending three (3) weeks before the last week for which federal sharing is authorized by Section 2005(a) of Division B, Title II (the federal Assistance to Unemployed Workers and Struggling Families Act) of the federal American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

SECTION 31. IC 22-4-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) As used in this section, the term "part-time worker" means an individual whose normal work is in an occupation in which ~~his~~ **the individual's** services are not required for the customary scheduled full-time hours prevailing in the establishment in which ~~he~~ **the individual** is employed, or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which ~~he~~ **the individual** is employed.

(b) The board may prescribe rules applicable to part-time workers for determining their weekly benefit amount and the wage credits required to qualify such individuals for benefits. Such rules shall, with respect to such individuals, supersede any inconsistent provisions of this article; but, so far as practicable, shall secure results reasonably equivalent to those provided in the analogous provisions of this article.

(b) An individual who is otherwise eligible for benefits may not be considered ineligible because the individual:

(1) was a part-time worker; or

(2) is available for or is seeking part-time work as long as the part-time work is for at least twenty (20) hours per week."

Page 44, line 40, after "address" insert: "

(1)".

Page 44, line 42, after "IC 31-9-2-42)" delete "." and insert "; or

(2) matters that qualify as compelling family reasons for leave

1 **under the federal Family Medical Leave Act of 1993 (29**
 2 **U.S.C. 2601 et seq.)."**

3 Page 45, line 5, after "secure" insert "**part-time or**".

4 Page 45, line 17, after "secure" insert "**part-time or**".

5 Page 45, line 28, after "work" delete "." and insert "**if the individual**
 6 **is not a part-time worker.**".

7 Page 49, between lines 7 and 8, begin a new paragraph and insert:

8 "SECTION 33. IC 22-4-14-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE FEBRUARY 1, 2009 (RETROACTIVE)]:

10 Sec. 6. (a) An individual shall be eligible to receive extended benefits
 11 with respect to any week of unemployment in the individual's eligibility
 12 period only if the commissioner finds that with respect to such week:

13 (1) the individual is an "exhaustee" (as defined in
 14 ~~IC 22-4-2-34(i)~~; **IC 22-4-2-34(j)**); and

15 (2) the individual has satisfied the requirements of this article for
 16 the receipt of regular benefits that are applicable to extended
 17 benefits, including not being subject to a disqualification for the
 18 receipt of benefits.

19 (b) If an individual has been disqualified from receiving extended
 20 benefits for failure to actively engage in seeking work under
 21 IC 22-4-15-2(c), the ineligibility shall continue for the week in which
 22 the failure occurs and until the individual earns remuneration in
 23 employment equal to or exceeding the weekly benefit amount of the
 24 individual's claim in each of four (4) weeks. For purposes of this
 25 subsection, an individual shall be treated as actively engaged in seeking
 26 work during any week if:

27 (1) the individual has engaged in a systematic and sustained effort
 28 to obtain work during the week; and

29 (2) the individual provides tangible evidence to the department of
 30 workforce development that the individual has engaged in an
 31 effort to obtain work during the week.

32 (c) For claims for extended benefits established after September 25,
 33 1982, notwithstanding any other provision of this article, an individual
 34 shall be eligible to receive extended benefits only if the individual's
 35 insured wages in the base period with respect to which the individual
 36 exhausted all rights to regular compensation were equal to or exceeded
 37 one and one-half (1 1/2) times the individual's insured wages in that
 38 calendar quarter of the base period in which the individual's insured
 39 wages were the highest."

40 Page 50, line 37, after "work" insert ", **or in the case of a part-time**
 41 **worker, part-time work,**".

42 Page 57, between lines 31 and 32, begin a new paragraph and insert:

43 "SECTION 39. IC 22-4-17-1, AS AMENDED BY P.L.108-2006,
 44 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 FEBRUARY 1, 2009 (RETROACTIVE)]: Sec. 1. (a) Claims for
 46 benefits shall be made in accordance with rules adopted by the
 47 department. The department shall adopt reasonable procedures

1 consistent with the provisions of this article for the expediting of the
 2 taking of claims of individuals for benefits in instances of mass layoffs
 3 by employers, the purpose of which shall be to minimize the amount of
 4 time required for such individuals to file claims upon becoming
 5 unemployed as the result of such mass layoffs.

6 (b) Except when the result would be inconsistent with the other
 7 provisions of this article, as provided in the rules of the department, the
 8 provisions of this article which apply to claims for, or the payment of,
 9 regular benefits shall apply to claims for, and the payment of, extended
 10 benefits.

11 (c) Whenever an extended benefit period is to become effective in
 12 this state as a result of a state "on" indicator, or an extended benefit
 13 period is to be terminated in this state as a result of a state "off"
 14 indicator, the commissioner shall make an appropriate public
 15 announcement.

16 (d) Computations required by the provisions of ~~IC 22-4-2-34(c)~~
 17 **IC 22-4-2-34(f)** shall be made by the department in accordance with
 18 regulations prescribed by the United States Department of Labor.

19 (e) Each employer shall display and maintain in places readily
 20 accessible to all employees posters concerning its regulations and shall
 21 make available to each such individual at the time the individual
 22 becomes unemployed printed benefit rights information furnished by
 23 the department."

24 Renumber all SECTIONS consecutively.

(Reference is to EHB 1379 as printed March 20, 2009.)

Senator BRODEN